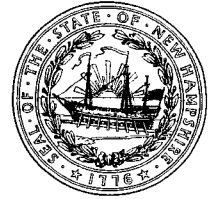




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

October 14, 2005

Mr. Louis Ellias
123 Lafayette Road
Hampton Falls, New Hampshire 03844

**CERTIFIED MAIL (7099 3400 0018 1290 0977)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION**

RE: Improper Asbestos Removal at 41 Railroad Ave., Seabrook, NH

Dear Mr. Ellias:

On March 23, 2005, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received a complaint from an anonymous source ("the Complainant"). The Complainant reported that a residential structure located at 41 Railroad Ave in Seabrook, NH ("the Property") had been demolished during the weekend of March 19 and 20, 2005. The Complainant also stated that the structure had asbestos siding on it at the time of the demolition and that a "State Line Construction" truck was involved with the project on the day of the demolition.

On March 25, 2005, DES personnel went to the Property in order to determine conformance with provisions of RSA 141-E and the NH Code of Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. DES personnel met with Mr. Paul Garand, the Town of Seabrook Building Inspector, inspected the property, and took eight photographs of the renovation/demolition activity. Two of the eight photographs were of a large dirt pile that had a fire smoldering in its core. Also, DES personnel identified a CAT Model 325C excavator on site, but could not identify a business or person that owned the excavator. Lastly, DES personnel observed numerous small fragments of what appeared to be white asbestos transit siding and asphalt shingles and obtained samples of each material for laboratory analysis. The laboratory analysis confirmed that the fragments found at the property were asbestos-containing material ("ACM").

On March 31, 2005, DES personnel contacted Mr. Garand to inquire as to the status of the site. Mr. Garand informed DES that the property owner had hired Apollo Environmental and Demolition LLC ("Apollo"), to clean up the site and address the asbestos issues. Mr. Garand also stated that on March 28, 2005, he was notified by Apollo personnel that the debris had been removed from the property and taken to a dumpster. Apollo personnel also informed Mr. Garand that the paperwork would be finalized and submitted once the dumpster was emptied.

The purpose of this letter is to notify you of the violations discovered during the inspection conducted on March 25, 2005. The specific violations are as follows:

- Env-A 1803.01 requires each owner or operator to provide written notification to the department and the city/town health official, as applicable for the work site location at least 10 working days before asbestos abatement activity begins at any major asbestos abatement project. DES was not notified prior to the demolition activities that were conducted at the Property on the weekend of March 19 and 20, 2005.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-1370 • Fax: (603) 271-1381 • TDD Access: Relay NH 1-800-735-2964

DES Web site: www.des.nh.gov

- Env-A 1804.01 requires each owner or operator prior to any renovation or demolition to provide for the inspection of the affected portions of the facility for the presence of ACM. An inspection for ACM was not conducted at the property prior to the demolition.
- Env-1805.02 requires the contractor(s) and personnel involved in major asbestos abatement projects to be licensed and certified. The property owner, not a licensed or certified contractor, conducted the demolition of the property.
- Env-A 1805.07(a) requires that regulated ACM ("RACM") be placed wet into watertight containers for transport to a landfill. Double impermeable bags of at least 6 mil thickness each, which can be securely sealed, may be used. All containers, including bags, drums, and wrapped components, shall be labeled in accordance with 40 CFR 61.150(a). The RACM was not wet and sealed in watertight containers or double impermeable bags but was transported with other debris from the property to the landfill in dumpsters. The RACM was not labeled according to the standards specified in CFR 61.150(a).
- Env-A 1805.09(a) requires that, prior to any demolition, all RACM must be removed in accordance with the applicable provisions of Env-A 1800. The RACM was not removed prior to demolition and was, therefore, combined with other demolition debris.

DES wants to make it clear that there are requirements for conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. As the demolition work has already been completed and the demolition debris and the suspected ACM have already been removed from the Property, no further action related to the listed violations is required. Please be advised that if you suspect the presence of ACM in the future, an inspection for ACM should be conducted prior to initiating any renovation or demolition activities. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*, a copy of which is enclosed.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Air Resources Division, Compliance Bureau, at (603) 271-1373.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/emj

Encl.: Env-A 1800

cc: W. Toland, EPA Region 1
G. Hamel, Legal Unit Administrator
P. Garand, Seabrook Building Inspector
Source File